

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 14**

**ST. LOUIS CARDINALS, LLC**

**and**

**Case 14-CA-213219**

**JOE BELL, an individual**

**MOTION TO RESCHEDULE HEARING**

Pursuant to Section 102.16 of the National Labor Relations Board's Rules and Regulations, St. Louis Cardinals, LLC ("Employer" or "Respondent") requests that the Hearing scheduled in the above-captioned matter be rescheduled and, in support thereof, states as follows:

1. The Regional Director issued a Complaint and Notice of Hearing on April 26, 2018 scheduling the Hearing in the above-captioned matter for Tuesday, August 21, 2018.
2. For good cause, as discussed below, the Employer respectfully requests a rescheduled hearing date of Monday, November 5, 2018, or such other date mutually agreeable to the parties and the Division of Judges.
3. The General Counsel has informed the Employer that it and Charging Party Joe Bell both oppose rescheduling the hearing.
4. The Complaint in the above-captioned matter pertains to internal union charges that the General Counsel alleges constituted protected Section 7 activities, and which the Employer maintains were unprotected attempts to cause Painters District Council #58 ("Union") to violate Section 8(b)(1)(B) of the Act.

5. On March 28, 2018, the Employer filed Charge No. 14-CB-217389, alleging that the Union violated Section 8(b)(1)(B) of the Act by acting upon the internal union charges at issue in the instant case.

6. The allegations of the instant charge and 14-CB-217389 are inextricably intertwined.

7. On April 25, 2018, NLRB Region 14 dismissed 14-CB-217389.

8. On April 30, 2018, the Employer filed an appeal of the dismissal of 14-CB-217389 with the General Counsel's Office of Appeals.

9. The Employer's appeal requested the General Counsel to direct the Region to dismiss the instant charge, absent withdrawal, pursuant to the General Counsel's authority under § 102.19(c) of the Board's Rules and Regulations.

10. The General Counsel's Office of Appeals has not yet issued a determination on the Employer's appeal.

11. Other than Region 14 and the Office of Appeals, no other Division, Office, or other entity acting on behalf of the General Counsel has reviewed the allegations of the instant charge.

12. The Employer has pursued 14-CB-217389 in good faith, based on largely undisputed facts and reasonable applications of the Act, Board law, and Supreme Court precedent.

13. Proceeding with Hearing on August 21, 2018 would create a risk of inconsistent judgments and obligations, or at least inconsistent positions by the General Counsel.

14. The conduct of a Hearing on August 21, 2018, as well as the parties' preparations for the Hearing, may cause unnecessary expenditures of time and resources by the parties, the Board, and potential third party witnesses.

15. Rescheduling the hearing will not prejudice any party to this case, nor will it impede consideration of these matters.

Respectfully submitted this 23<sup>rd</sup> day of July, 2018.

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

s/ Harrison C. Kuntz

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of July, 2018 I filed the foregoing MOTION TO RESCHEDULE HEARING via the National Labor Relations Board's E-File system and served the same to the following parties:

Joe Bell, Charging Party  
1327 Spring Dr.  
Herculaneum, MO 63048-1544

Brad Fink, Field Attorney  
National Labor Relations Board  
Region 14  
1222 Spruce Street, Room 8.302  
Counsel for the General Counsel

*s/ Harrison C. Kuntz*

Harrison C. Kuntz